

**ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

April 6, 2021

3:03 p.m.

MEMBERS PRESENT

Representative Liz Snyder, Co-Chair
Representative Tiffany Zulkosky, Co-Chair
Representative Ivy Spohnholz
Representative Zack Fields
Representative Ken McCarty
Representative Mike Prax
Representative Christopher Kurka

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

OVERVIEW: TRIBAL CHILD WELFARE COMPACT

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

NICOLE BORROMEO, Executive Vice President
Alaska Federation of Natives
Anchorage Alaska

POSITION STATEMENT: Gave a PowerPoint presentation entitled
"Alaska Tribal Child Welfare Compact: 2021 Update."

VIVIAN KORTHUIS, CEO
Association of Village Council Presidents
Bethel, Alaska

POSITION STATEMENT: Read a prepared statement about AVCP's role
in the Alaska Tribal Child Welfare Compact.

BRITTANY MADROS, Tribal Government Services Director
Tanana Chiefs Conference
Fairbanks, Alaska

POSITION STATEMENT: Discussed Tanana Chiefs Conference's role in the Alaska Tribal Child Welfare Compact.

ACTION NARRATIVE

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CO-CHAIR TIFFANY ZULKOSKY called the House Health and Social Services Standing Committee meeting to order at 3:03 p.m. Representatives Fields, McCarty, Prax, Snyder, and Zulkosky were present at the call to order. Representatives Spohnholz and Kurka arrived as the meeting was in progress.

OVERVIEW: Tribal Child Welfare Compact

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CO-CHAIR ZULKOSKY announced that the only order of business would be an Overview, entitled "Tribal Child Welfare Compact."

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NICOLE BORROMEO, Executive Vice President, Alaska Federation of Natives (AFN), gave a PowerPoint presentation entitled "Alaska Tribal Child Welfare Compact: 2021 Update." She informed the committee that she serves as the Compact Facilitator for the Alaska Tribal Child Welfare Compact ("the Compact"). She explained that she is charged in appearing in a neutral capacity between the tribes and the state.

MS. BORROMEO presented slide 2, "Why the Work Began," which read as follows [original punctuation provided]:

(1) Significant Disparities

- Alaska Native children make up 15% of the state's general population; but represent 60% of the kids in state custody. Disparities of this nature generally indicate a system failure, and Alaska is no exception.

(2) Retention Difficulties

- Additionally, the state has a difficult time recruiting and retaining a proficient workforce. The Office of Children's Services (OCS) typically operates at a 50% vacancy rate and requires its frontline

workforce to carry caseloads more than 3x the national average.

MS. BORROMEO presented slide 3, "How the Work Began," which read as follows [original punctuation provided]:

Tribal State Collaboration Group

- What → 25-year partnership between state and tribal representatives (and invited stakeholders)
- Goals → (1) strengthening Alaska's compliance with the Indian Child Welfare Act (ICWA); (2) reducing the disproportionality of 'Indian' kids in state custody; and (3) building and strengthening working relationships.

Tribal Title IV-E Agreements

- What → provides federal resources (\$) to states and tribes for foster care, transitional independent living programs, guardianship assistance, and adoption assistance.
- Note → Tribes receive a higher reimbursement rate than states for covered services, resulting in significant General Fund savings.

MS. BORROMEO explained that Title IV-E refers to a specific section of the Social Security and Administration Act. She stressed that these funds are beneficial in terms of how much money can be brought into the state to free up resources.

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MS. BORROMEO presented slide 4, "Alaska Tribal Child Welfare Compact Overview," which read as follows [original punctuation provided]:

- What → a intergovernmental agreement between the state of Alaska and 18 federally recognized Alaska Native tribes and tribal organizations to improve the life outcomes of Alaska's children and families, by transferring negotiated child welfare services and supports - along with their respective revenue streams - from OCS to the 'Tribal Co-Signers.'
- Goal → provide higher quality services and supports at a lower cost.

MS. BORROMEO presented slide 5, "Compact (Cont'd)," which read as follows [original punctuation provided]:

- Precedence → modeled after the compacts the federal government routinely negotiates with tribes and tribal organizations under the Indian Self-Determination and Education Assistance Act (ISDEAA).
- Historical → the Compact is the first ever government-to-government agreement negotiated and executed at the state level (history making!).
- Sovereignty → recognizes the inherent authority of federally recognized Alaska Native tribes to provide child welfare services and supports to their members.

MS. BORROMEO noted that "tribes" can be an uncomfortable word. She said AFN encouraged the state to think of tribes as local governments. She pointed out that many villages in rural Alaska don't have a strong local government because there are not resources, but there is often a tribe in those communities. She said AFN didn't want anyone in the room to be uncomfortable by the terms "tribal immunity," "tribal sovereignty," or "tribal authority" and explained that this was a way to say, "local control."

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MS. BORROMEO presented slide 6, "18 Tribal Co-Signers - Representing 161 Tribes." She explained that it was a list of all 18 co-signers who had signed on to the Compact. She explained that the takeaway was that the 18 co-signors represented 161 tribes.

MS. BORROMEO presented slide 7, "Implementation Timeline," which read as follows [original punctuation provided]:

Fiscal Year (FY) 2018

- Tribal Co-Signers developed/redesign their programs, and built capacity and infrastructure.
- State began sharing Protective Services Reports (PSRs or 'screen ins' or 'screen outs'), and providing training and technical support.

FY 2019

- Tribal Co-Signers began performing Initial Diligent Relative Searches (IDRS).
- The Parties negotiated four new Scopes of Work (SOW) for: (1) Ongoing Relatives Searches (ORS); (2) Family Contact; (3) Licensing Assists; and (4) Safety Evaluations, but State declined to sign due to change in Administration.

MS. BORROMEO shared that negotiations for the Compact began in 2017 with the goal of having a compact to sign at the annual AFN Convention. She said that is the largest meeting in the state, and AFN wanted the state to see what the Walker Administration had negotiated with the Alaska Native community for improving child welfare. She said that with the state allocation, tribes either developed a child welfare program or redesigned existing programs with the new authorities from the Compact. She said the tribes hoped to work with the state to provide prevention work, by reaching out with wraparound services before removing children and having them placed in state custody. She commented that Governor Dunleavy's administration put the Compact on hold, so the new governor could reassess the work and reevaluate his administration's commitment to the Compact.

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REPRESENTATIVE PRAX asked if the tribes were doing prevention work legally on behalf of the state of Alaska, or if this was comparable to a church's work.

MS. BORROMEO answered that in prevention work the tribes were not legally representing the state. She said the tribes did not operate as a non-governmental organization (NGO) or religious organization. She explained that because the tribes are sovereign entities, each has the authority to provide services to its members. She shared that some tribes also use funds that are not provided by the state to help families that have been identified as "high priority" and in need of services to help them become more stable. She clarified that the prevention work is not paid for by the state of Alaska, because the state does not receive money to do preventative services, rather, state funds are for children who have been removed and are in foster care.

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REPRESENTATIVE MCCARTY asked about the shift in sharing the PSRs referenced on slide 7.

MS. BORROMEO answered that the legal shift was brought about by the Compact, which is the document that allows the sharing to take place. She commented that there was a strong desire to better partner and share information, but the legal framework wasn't there [previously] for the state to be able to engage the tribes at the desired level. She explained that there is a series of different confidentiality agreements in place, and the tribes have completed training to access different state databases. She noted that [the PSRs] are all highly confidential information, and that the goal was to keep the family intact or reunite them if experiencing foster care.

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REPRESENTATIVE KURKA asked whether individuals working under the authority of the tribes are bound by same confidentiality as state workers.

MS. BORROMEO answered that the same confidentiality requirements apply whether or not the worker is a state or tribal worker. She offered that any type of floor requirements in federal law that exist for the state carry over to the Compact. She explained that the Compact allows the different tribal co-signers to tailor their own programs to each tribe's geographic, regional, and tribal needs, which allows flexibility, although there are a number of baseline factors that are the same for all co-signers. She emphasized that this was not a way to "sneak around requirements" imposed by the federal government or by the state of Alaska.

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MS. BORROMEO presented slide 8, "Implementation (Cont'd)," which read as follows [original punctuation provided]:

FY 2020

- Parties worked out differences and signed all five pre-negotiated Scopes, including: (1) IDRS; (2) ORS; (3) Family Contact; (4) Licensing Assists; and (5) Safety Evaluations.

FY 2021

- . . . Coming in May 2021.

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MS. BORROMEO presented slide 9, "Public-Private Partnership," which read as follows [original punctuation provided]:

Casey Family Programs

- Applying the federal compact model to state child welfare work caught the attention of Casey Family Programs (CFP), the largest foster care and related services foundation in the country.
- CFP was eager to partner on the endeavor, and through a modest amount of seed money helped create the first ever public-private partnership to transform Alaska's child welfare system (history making AGAIN!).

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REPRESENTATIVE SPOHNHOLZ asked for the difference between the unsigned scopes of work that were drafted and negotiated in FY 19, and what was signed in FY 20.

MS. BORROMEO referenced slide 7 in response to the question and pointed out the different scopes outlined. She said once an Indian child is removed from his/her home and placed in state custody, one of the first tasks that OCS does is locate relatives, because under the ICWA there is a placement preference. She said the preference is first that the child stays in his/her immediate family, then to another Native family, next to another tribal family, and finally to a non-Native home. She circled back explaining that it is very helpful if the state knows who the relatives of the child are for the initial placement but noted that ongoing relative searches are also important because sometimes a child is taken from temporary custody and put in a more permanent foster home situation.

MS. BORROMEO said the "child contact" scope of work had been a difficult service for OCS to provide, especially out in the Bush. She explained that this is when a child is placed for visitation to have some contact with the parent. She said the difficulty came from OCS not having buildings or staff in many of the smaller villages, or even the hub communities. She shared that "licensing assist" work was licensing a home for foster care placement. She explained that if OCS didn't have a worker in a village, it could call up [the partnered tribal authority] for assistance surveying the home, and that the same applied for safety evaluations.

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REPRESENTATIVE SPOHNHOLZ reworded her question, stating that the "state declined to sign" in FY 19, and then the scopes were re-negotiated in F Y20. She asked if there were significant changes between the FY 20 and the FY19 scopes, or if it was a matter of bringing the new leadership in the administration up to speed.

MS. BORROMEO replied that the scopes were substantially the same, but what had changed was the new administration's understanding of tribal sovereign immunity and the insurance requirements that are in place. She said that when tribes began performing this work on behalf of the state, they also incurred the liability that comes with child welfare. She said that as part of the Compact, the state and the tribes negotiated a "waterfall system," wherein the tribes were not asked to execute immediately a broad blanket of sovereign immunity waiver, instead the tribes instead are covered by private insurance, which all tribes have, or by Federal Tort Claims Act (FTCA) insurance. She said, "Only then, if there is an act of harm that goes beyond those different forms providing full recovery for the child or the child's family ... will the state ask the tribe to waive its sovereign immunity."

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CO-CHAIR ZULKOSKY referenced the goal stated on slide 4 to provide higher services at a lower cost. She asked Ms. Borromeo to discuss what was funded by the state for the implementation of the Compact in FY 18, in contrast to what was set aside in subsequent fiscal years.

MS. BORROMEO responded that the state has consistently funded the Compact at between \$1.2-\$1.6 million, landing consistently at \$1.5 million. She said this is the amount all the tribal co-signers said it would cost to hire one full-time equivalent employee to run the program. She said that even though the amount has stayed the same financially since the Compact was signed in FY 18, the tribes have routinely taken on more responsibility at the annual negotiations, which means the tribes are doing more "scopes of work," even though the state has not committed more resources to the Compact.

CO-CHAIR ZULKOSKY asked if the new scopes of work increased the workload and required additional underwriting on the part of the tribes.

MS. BORROMEO answered that there are many unfunded costs that the tribes are bearing, which means they are taking from other programs outside of child welfare. She said this is not sustainable, but the state is aware of the issue. She also mentioned that there have been implementation challenges, so not as many cases have been transferred to the tribes as is desired. She explained that there had not been enough capacity building in the front end of the Compact, which was meant to be wrapped up in one fiscal year; capacity and implementation has been an ongoing challenge for both parties, she explained. She said workforce retention has also been an issue because many tribal employees have difficulty committing to a program that is subject to annual funding.

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CO-CHAIR SNYDER asked why some tribes had not signed on.

MS. BORROMEO explained that the Kodiak Area Native Association (KANA), along with a few other tribes, did not sign on because they were unhappy with how the tribal sovereign immunity provisions in the Compact were drafted.

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REPRESENTATIVE SPOHNHOLZ asked if there had been any discussion concerning multi-year fiscal compacting in order to create fiscal certainty.

MS. BORROMEO replied that it had been discussed. She shared that one model the tribes are looking at is the Millennium Challenge Corporation model at the federal level, which is a five-year compact to third world and developing countries. She argued that this makes time to do the work instead of gearing up for an annual negotiation. She said it was a good suggestion and possible solution.

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REPRESENTATIVE KURKA asked why two tribes on slide 6 have asterisks by their names.

MS. BORROMEO answered that those two tribes signed the umbrella agreement but have not signed the corresponding Service Support Funding Agreement (SSFA), which is the power to perform the scopes, because of tribal sovereign immunity challenges.

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MS. BORROMEO returned to slide 9. She said the CFP dedicated two consultants to working on the Compact. She said one is Francine Eddy Jones, who has previously worked with the Central Council Tlingit and Haida Indian Tribes of Alaska on its child welfare program. The other is Kristie Swanson, a previous OCS employee, who Ms. Borrromeo opined is the leading expert on Title IV programs in Alaska.

MS. BORROMEO presented slide 10, "Long Term Goals," which read as follows [original punctuation provided]:

- Alaska children and families will be served locally, as close to home as possible.
- Services will be provided in a more cost effective and efficient manner.
- Children and families will be more receptive to changing abusive or neglectful behavior(s), which will decrease the number of children in state custody.
- Outcomes for Alaska children and families will be improved, particularly Alaska Native children and families.

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REPRESENTATIVE MCCARTY requested a copy of the Compact.

MS. BOROMMEO offered to send a copy to Representative McCarty's office.

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CO-CHAIR ZULKOSKY asked Ms. Borrromeo if there was a "percent increase" in the work burden on tribes in the Compact related to scopes of work that increased between FY 18 and FY 20.

MS. BORROMEO replied that not all cosigners are equal in work output and while some cosigners have over 150 children in custody, others have a small handful. She also said that some have established child welfare programs, and others are just

setting up child welfare programs. She suggested that other presenters could better answer the question.

CO-CHAIR ZULKOSKY asked about the legal requirements in Alaska in terms of ensuring equitable outcomes for children in the foster care system, particularly Alaska Native children who are disproportionately represented in the system.

MS. BORROMEO answered that the State of Alaska has a responsibility to all children in the child welfare system, not just Alaska Native children. She acknowledged that the data shows there is a disproportionality issue and said the state has big challenges in how it can overcome those hurdles. She explained that when rural Alaska Native children are placed in urban, often non-Native homes, it is difficult unifying the family. She stated that heightened legal obligations for Alaska Native children come from ICWA. The state has to go above and beyond when trying to reunite an Indian family, and to show steps of reunification that not all children in Alaska have, she explained. She advised that ICWA should be "embraced as the gold standard for all children, whether ... Native or non-Native."

CO-CHAIR ZULKOSKY asked if the disproportionality of Alaska Native children in custody increased the state's exposure to potential liability.

MS. BORROMEO said she believed that question was answered when looking at judgements that have resulted from the number of Alaska Native children in state custody. She said the state routinely settles OCS case for hundreds of thousands and sometimes millions of dollars.

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CO-CHAIR ZULKOSKY asked Ms. Borromeo how she measured the success of the Compact, what data points to monitor in terms of the success of any state spending, and if she could speak to any any signals or data to highlight the impact of the Compact in Alaska.

MS. BORROMEO replied that she measures the success by the co-signer list at the annual negotiation. She said she is protective of both the state and the tribes when it comes to data points, because [the Compact] is on the cutting edge of law and policy. She said trying to transform a system with this

much disparity is going to take time. She said there will have to be an infusion of state resources for the Compact to grow.

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REPRESENTATIVE PRAX asked if the needed resources would be a redirection of resources from what the state is doing now to whatever the tribes would be doing.

MS. BORROMEO confirmed OCS does not ask for more money for the Compact, rather it reallocates resources.

REPRESENTATIVE PRAX asked about the disparity.

MS. BORROMEO answered that the disparity is due to poverty. She explained that when families have trouble clothing and feeding their children, this can lead to many stressors. She suggested that until the state addresses poverty, it will pop up in a number of situations, like how many children enter the state's custody

MS. BORROMEO, in response to a question about sovereignty and child custody, said the children are still in state custody and that the tribes are not transferring custody to tribal welfare programs. She pointed to the scopes of work as specific things that OCS does, and said the tribes are not engaging in removal efforts or placement.

REPRESENTATIVE PRAX commented that it made sense to him that it would help outcomes if those helping the children were culturally close to the children. He said he did not understand the custody and liability aspects in terms of sovereignty as opposed to contracting with the state and asked if he would need to read the Compact.

MS. BORROMEO agreed that he may need to read the Compact. She suggested starting with the "American Indian Law in a Nutshell" and offered to send additional reading material. She explained that a sovereign [entity] cannot be sued unless it consents to being sued. She noted that an Indian tribe that is federally recognized does not have absolute sovereignty, as the federal government withholds some immunities. She said that liability was a separate issue because Alaska is a joint and several liability state, meaning that if there are two actors involved in one act, both may be brought to court if something goes wrong because of the partnership. She said if the state wanted to

decrease its liability for what tribes do on its behalf, the easiest way to do that would be to give the tribes more control.

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REPRESENTATIVE PRAX asked if a child with one Native and one non-Native parent would fall under the jurisdiction of the tribe.

MS. BORROMEO replied that the child must be eligible for enrollment, which is first indicative of whether the child's parent is enrolled. She commented that every tribe is different.

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REPRESENTATIVE MCCARTY said it seemed that Ms. Borromeo had indicated that the disparity between Native and non-Native children in the child welfare system was related to poverty, and not OCS choosing Native children over non-Native children. He asked if his understanding was accurate.

MS. BORROMEO offered her understanding that he was asking if OCS had a bias of removing Native children over non-Native children and replied that she didn't believe that was how OCS approached the work. But, she said, when looking at the data one must reconcile that there are some differences. She reiterated that it stems from poverty, because a family not being able to get enough basic essentials for its children would cause a mandatory reporter to file a report with OCS. She said there are sometimes cultural conflicts with OCS and offered an example of multiple Native children sleeping in the same bed, which she suggested could be by choice, rather than the family being in crisis.

REPRESENTATIVE MCCARTY said he understood the modality of different cultures. He asked to learn more about the data collection, and whether there was a longitudinal study so to avoid anecdotal data.

MS. BORROMEO replied that it was being done and accredited the Dunleavy Administration with insisting on it. She said it was important to make sure the Compact was working and that the resources were spent in the most efficient manner possible. She noted that there had been implementation challenges so not all the scopes are functioning on "all six cylinders." She pointed

out that just as many of these scopes were implemented, the world changed rapidly because of COVID-19.

REPRESENTATIVE MCCARTY asked for the timeline on the data collection.

MS. BORROMEO replied that that was a good question, but better answered by OCS. She said OCS tracks the number of children in state custody and in all the co-signers' regions, along with how many of the scopes of work referrals had been made in. She commented that it was a two-part issue; the state needed to make referrals to the tribes in all of the different areas, and in turn once the tribes received the referrals from the state, the tribes do the work. She said there has been difficulty with the referrals going out, and with the tribes declining some referrals.

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REPRESENTATIVE MCCARTY asked if the Compact was also collecting data once a child's case had been moved from OCS.

MS. BORROMEO said that when a child is serviced through the Compact, OCS still maintains authority over the child and family.

4:03:20 PM

REPRESENTATIVE SPOHNHOLZ referred to slide 7 which listed the scopes of work. She commented that children were not leaving OCS custody when a tribe compacted the state of Alaska to do that work. She recognized that there had been relevant discussion on data collection and measurements against the scopes of work, but then stated that "a brand-new Mercedes won't go anywhere if you don't put fuel in the car." She asserted that it was important to make certain that the Compact was adequately resourced. She asked if one full time child welfare coordinator for the state was enough, or if additional resources were needed, and if Ms. Borromeo had any recommendations.

MS. BORROMEO responded that one full-time employee was not enough to perform all these scopes, although there are some exceptions. She said the vision is that the tribes could shoulder some of this work for the state. In response to the question about the Compact's needs going forward, she said more funding was needed. She stated that even though every OCS individual in a position of leadership contributes to the

Compact, there is only one dedicated employee who is supposed to interface with all 18 co-signer tribes with child welfare programs in varying stages of development. In response to the second part of Representative Spohnholz's question she said more resources need to be infused into the Compact, and it may take time to turn data around, being on the cutting edge of law and policy.

REPRESENTATIVE SPOHNHOLZ commented that the time to implement is very important. She opined that the legislature has unrealistic expectations for change, wanting to see "massive results" in one to two years, but argued that that is not how systemic change works. She asserted that long-term restructuring takes time; the first few years are "setting the floor," and from there the results will grow.

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REPRESENTATIVE KURKA noted that Ms. Borrromeo had mentioned tribal caseworkers as having a different way of evaluating regarding cultural differences. He asked if the rules stayed the same for removal of children from the home.

MS. BORRROMEO answered that the baseline rules are the same under the Compact as under the regular system. She emphasized that the Compact was working towards prevention to keep the children from the OCS system. She said tribes approach child welfare differently from the state, with a more preventative and holistic focus. She said tribes don't want to step in when a child is being neglected and abused, rather the tribes want to be involved as soon as there are stresses on the family.

REPRESENTATIVE KURKA referred to slide 2 and asked if Alaska Native children make up 15 of the population of children in Alaska, or of the entire population.

MS. BORRROMEO responded that Alaska Native children make up 15 percent of the state's child population.

REPRESENTATIVE KURKA asked how Alaska's disparity ranked with other states.

MS. BORRROMEO said this was generally reflective of Indian country. She said different states with high Native populations such as Arizona and South Dakota, had similar trends. She shared that CFP is working with tribes outside of Alaska and is closely tracking the work done in Alaska so the Compact can be

introduced to other tribes to improve different child welfare systems. She said there is a lot of attention being paid to the Compact on the national level by subject matter experts. She emphasized that everybody at the table has high expectations, because these are children, not just data points and numbers.

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CO-CHAIR SNYDER commented that there are three different kinds of evaluation in the public health context. The first is a formative evaluation, which is at the start of a new program and asks about the design, the stakeholders involved, and if there was proper roll out, she explained, versus a process evaluation, which looks at the implementation, delivery, and if funds were properly applied, or an impact/outcome evaluation, which tracks changes in the various metrics. She argued the metrics can sometimes be difficult to capture when looking at long-term implications. She commented that when thinking about evaluations and OCS, these questions need to be asked about OCS as a whole, not just how it relates to the Compact. She opined that if the legislature is going to be asking those questions, it should also be providing the resources that make [the desired results] possible. She asked Ms. Borrromeo if the Compact was in the realm of a formative evaluation, which would be tracked differently than what is being asked of OCS. She also asked if Ms. Borrromeo would amend or add to her earlier statements with respect to necessary resources if it was desired to make evaluation an integral and sustainable part of the effort.

MS. BORRROMEO answered that formative evaluations needs to be factored in when policy makers are thinking about the resources for the Compact. She said evaluations are not something she has seen any of the OCS leadership or the tribal co-signers shy away from and noted that tribal co-signers pass federal audits on a yearly basis and want to see "the dial turn." She opined that there is some pent-up frustration on both sides that progress isn't made fast enough, but she said that when on the cutting edge of law and policy during a pandemic, sometimes expectations must be tempered.

MS. BORRROMEO emphasized that at the end of the day, Alaskans are going to pay for this service. She said if it is not going to be paid for in child welfare, it will be paid for [later] in corrections. She further argued that that would be much more expensive, with lower chances of rehabilitation. She reasoned that intervening and putting resources towards children to make

them productive members of society would be in the best interest of the entire state.

4:21:21 PM

VIVIAN KORTHUIS, CEO, Association of Village Council Presidents (AVCP), shared that she is Yupik and a member of the Emmonak Tribe and read a prepared statement. She informed the committee members that AVCP is the largest tribal consortium in the nation with 56 federally recognized tribes as members. She said AVCP is located on the Yukon-Kuskokwim (Y-K) Delta, bordering the Yukon River, the Kuskokwim River, and the Bering Sea Coast in Western Alaska. She shared that when giving testimony to the federal government, she described the region and rural Alaska as "extremely rural America." She shared that the AVCP region is about the same size as the state of Washington, and is off the Alaska road system, so the only way to the region is by flying, or during the summer, by barge. She said transportation within the region in the summertime is by small plane or boat, or by snowmachine in the winter. The region's population is approximately 26,000 people with a median age of 25.

MS. KORTHUIS shared that the tribes' current top three priorities are public safety, economic development, and community wellness. Ms. Korthuis opined that community wellness happens when families are safe and healthy. She stated that children are the most valuable members of the family, so protecting them and helping them thrive is the tribe's most important work. She said AVCP made the initial \$5,000 investment asked of all tribal caucus members to the Compact, even though AVCP knew it would not be able to transform child welfare for that cost. She stated that AVCP understood that it would take hundreds of thousands of dollars, as well as time, energy, and commitment. She stated that AVCP chose to make this investment because its leaders and elders know that there is no future without their children. She shared that tribes have compacted with the federal government to provide social services for decades through the Bureau of Indian Affairs (BIA) and health services through the Indian Health Service (IHS) and have become experts in the compacting process, and she asserted that AVCP has since been extremely successful in both these areas. However, she observed that compacting is new to the State of Alaska, which has always operated with grants or contracts for services when dealing with tribes. She said the state and tribal co-signers are creating a new process together with the Compact.

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MS. KORTHUIS stated that compacting requires a shift in mindset; the state is not paying an entity to perform a series of tasks, such as one would pay an employee, instead the state is providing resources and funding for the compacting entity to use its own service delivery model to meet the needs of the community. She said the state and the tribal co-signers are not yet where they need to be to transform child welfare in Alaska, but she is confident in the Compact's implementation with AVCP. She said the tribal caucus has committed significant staff time and resources to get the Compact off the ground.

MS. KORTHUIS said AVCP is currently performing four scopes of work that would normally be performed by OCS. These are diligent relative searches, ongoing relative searches, safety walkthroughs, and foster parent licensing assistance, she shared. She said there are approximately 475-500 tribal children from the AVPC region in OCS custody. She said half of the children are in homes or facilities outside of the Y-K Delta. She stressed that this was a very large number for the region, equating it to the size of a medium village. Ms. Korthuis stated that being removed from the home and parents is a traumatic event for every child, even when keeping a child safe. She opined that removing the child from the comforts and familiarity of his/her home and village to a new city and culture compounds the trauma. She said AVCP wants children to stay in their communities whenever possible and is partnering with OCS because this can only happen when safe and willing homes are identified and licensed. She noted that ICWA recognized that it is even better if a child is placed in a relative's home.

MS. KORTHUIS shared an anecdote where OCS and AVCP successfully worked together to place a child from Anchorage in a relative's home in a village. She said it was because of the Compact that there was a process in place for OCS to make the referral, and it also had the funding in place for AVCP to identify and approve a home. She pointed out that working with tribes is beneficial because the tribes can leverage additional resources. She offered that AVCP works with foster families to provide equipment needed to become licensed and provide childcare resources.

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MS. KORTHUIS continued her testimony and shared that in the past four years, AVCP had identified issues in transforming child welfare through the Compact. She said the biggest challenge has been implementation and explained that cross-training between tribes and OCS takes time and work. She asserted that time, resources, and funding needed to be dedicated in order to ensure that the Compact is set-up for success. She said another challenge is a loss of momentum and argued that the state and tribes needed to add new scopes of work and expand services. She said the last challenge was consultation and argued that it was essential that tribes and the state remain on the same page on what is necessary to transform child welfare. She said DHSS has a tribal consultation policy that when followed strengthens the partnerships between the state and tribes and leads to better outcomes for children.

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MS. KORTHUIS concluded by reiterating that the tribal partners were committed to Alaskan children. She said placing foster children with family members in their Native villages is what AVCP wants and why it is invested in the compacting process. She said ACVP wants parents to have the tools and resources needed to be safe, so their children are not removed in the first place. She said AVCP's children are also Alaska's children.

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BRITTANY MADROS, Tribal Government Services Director, Tanana Chiefs Conference (TCC), shared that TCC is based in Fairbanks, Alaska, is one of the 12 Alaska Native regional non-profit corporations, and is organized as Dena' Nena' Henash, which means "Our Land Speaks," in Athabascan. She said TCC provides services while balancing traditional Athabascan and Alaska Native values with modern demands and works towards meeting the health and social service needs of roughly 16,000 Alaska Native people, tribal members, and beneficiaries throughout the TCC region, as well as serving non-Native community members in larger hub communities with IHC hospitals and clinics. She said TCC services all tribal members of the 37 federally recognized tribes in the TCC region, and all eligible Alaska Native Indians residing in the Fairbanks North Star Borough. She noted that the region covers a geographic territory the size of Texas, and is in the center of Alaska, with an area of 235,000 square miles. She said 9 tribes are located on the road system, ranging 1-8 hours from Fairbanks, and the other 28 tribes are

only accessible by bush plane when weather conditions are viable. She said the 37 tribes are predominately Athabascan Indian with populations of 75 to 1,500 community members, along with a few villages that have 10 members or less. She said none of the tribes within the region are located within a borough or county and are in the unorganized borough, the last of such status in the United States. She told the committee there are 5 Village Public Safety Officers (VPSO)s, although 2 posts vacant, that work with 10 State Troopers to cover the region the region. She explained that for the majority of Alaska villages the closest officer is hundreds of miles away, and response time can take up to a week. She noted that this included cases of child sexual abuse and said it can take weeks for an OCS worker to charter in a plane to have a forensic interview.

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MS. MADROS explained that access to state courts is limited, because Alaska's centralized system places courthouses in larger cities. She said TCC has assisted tribes in the region in developing tribal courts since the early 1980s and is viewed in the state as a model for tribal court development. She explained that TCC supports the development through training, technical assistance, and legal support when tribal courts are working with the state of Alaska with either ICWA cases or cases that may overlap with different jurisdictional issues. She informed the committee that Alaska tribes are confirmed to have clear civil jurisdiction, particularly in the area of domestic relations regarding child matters.

MS. MADROS said TCC decided to become a co-signer with the Compact on behalf of the 37 federally recognized tribes in its region because it provides technical support to its tribal governments and families within the region that are involved in the tribal or state justice system. She said the level of support TCC provides to different tribes and villages depends on the local infrastructure, and the ability to provide services locally. She shared that social workers, called Tribal Family Youth Specialists (TFYS), are partly employed by TCC and partly employed by the tribal governments, meaning they have "dual supervision." She said TCC also provides support in tribal court facilitation, tribal foster care licensing, and safety evaluation services for tribally licensed foster homes, as well as provides ICQA advocacy and representation for tribes on cases that are in state court.

MS. MADROS explained that TCC has began implementing new data tracking software so it could show measurable outcomes. She shared that TCC has also hired a Family First Prevention Specialist, a position specifically focused on preventative services to at-risk families. She said that after the Family First Prevention Act passed, TCC was excited to see the national interest in prevention work to provide support to at-risk families before there is a crisis. She shared that TCC is reorganizing its Tribal Client Services department to promote family preservation and healing and has been working with partners to have child advocacy centers for rural communities due to the lengthy investigations on child sexual abuse cases.

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MS. MADROS said the only scope under the contract that TCC is operating on is initial diligent relative searches and ongoing diligent relative searches. She explained that it is a heavy workload for the staff member who is responsible. The organization is preparing to take on the scope of safety evaluations. She explained that it already performs these services for Tribally licensed homes and hopes to expand into the new capacity. The organization is also preparing to work on the family visitation scope, she shared, but TCC is struggling with spacing issues. She explained that there are not enough buildings with safe spaces to provide family visitation and safe exchanges, but TCC is looking for other solutions, such as specialty trained caregivers. The organization also hopes to begin work with the licensing assist scope, as TCC already does its own tribal foster care licensing and would like to have more homes dually licensed by both the tribe and the state, she explained.

MS. MADROS said TCC has received staff feedback that there needs to be a better process for taking on the new scopes, such as a structure, outline, or checklist. She stated that TCC has an innovative approach and only needs basic guidelines with a minimum expectation to be met. She said the processes are long to get TCC staff under the Compact with access to the state programs that are needed to fulfill duties. She reiterated the need for safe spaces in both rural and urban areas for supervised family contact, and cited research that shows contact with family helps a child and family's outcomes and possible reunification. Regarding staff capacity to perform the scopes, she again noted that the tribe's one staff person is completely maximized by one single scope, but TCC is trying to find ways for other staff to do these duties. She stressed that funding

is needed to take on additional scopes, even for tribes with more resources. She argued that she didn't see the compacting as replacing an OCS service, because the services TCC provides are completely different. She shared anecdotally that there is a difference when services are provided by a tribal organization and commented that some tribal members have trauma from state services. She opined that when looking at measurable outcomes, youth are the state's future, and she argued that investing in youth leads to a decrease in the state's court and prison systems and increased education outcomes.

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CO-CHAIR ZULKOSKY asked Ms. Korthuis and Ms. Madros what state commitment to the Compact would look like.

MS. KORTHUIS answered that she is looking to the state to be a partner in the Compact. This means not only defining the framework to roll out the Compact, but also defining the roles and responsibilities, she said. She also wanted to be sure that both the tribes and the staff receive appropriate training, along with appropriate policies and funding.

MS. MADROS answered [that state commitment looks like] coming to the table and understanding that every Alaska Native child is also an Alaska State citizen. She emphasized that the Compact is just one more resource for the state to utilize for [Alaska Native] families. She said being available, coming to the table, and considering the need for funding [are what she asks of the partnership with the state].

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ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 4:58 p.m.